

BY-LAW NO. 2001 - 260

A by-law of the City of Ottawa to regulate special events on City streets.

The Council of the City of Ottawa enacts as follows:

DEFINITIONS

1. In this by-law,
 - (a) “Chief of Police” means the Chief of Police of the Ottawa Police Services and includes the officer in charge of any detachment of the Ontario Provincial Police providing police services to the City of Ottawa by agreement, or otherwise having jurisdiction within the limits of the City of Ottawa;
 - (b) “City” means the City of Ottawa as constituted as a body corporate on January 1, 2001 by section 2 of the City of Ottawa Act, 1999;
 - (b) “Council” means the Council of the City;
 - (c) “Fire Chief” means the Chief of the City’s Fire Department or authorized representative;
 - (d) “General Manager” means the Transportation, Utilities and Public Works General Manager of the City or authorized representative;
 - (e) “highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for or used by the general public for the passage of vehicles and includes the entire right-of-way;
 - (f) “intersection” means the area embraced within the projection or connection of the lateral boundary lines of two or more highways that meet one another at an angle, whether or not one highway crosses the other;
 - (g) “police officer” means a chief of police or any other police officer, but does not include a special constable, a municipal law enforcement officer or an auxiliary member of a police force;
 - (h) “roadway” means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively;
 - (i) “sidewalk” means all parts of a highway set aside for use by pedestrians or which is used by the general public for the passage of pedestrians;

- (j) “special event” includes a demonstration, parade, sports event, festival, carnival, donation station, street dance, residential block party, sidewalk sale, outdoor mass and other like events;
- (k) “Transportation and Transit Committee” means the Standing Committee of the Council known as the Transportation and Transit Committee; and
- (l) “vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power including muscular power but does not include a motorized snow vehicle, or the cars of electric or steam railways running only upon rails.

SPECIAL EVENTS - PERMIT REQUIRED

2. No person shall participate in a special event on a highway unless such special event is carried on under the authority of a permit issued by the General Manager pursuant to this by-law.

APPLICATION FOR PERMIT

- 3. (1) An application for a permit shall be filed with the General Manager not less than twenty-eight (28) days in advance of such special event, which application shall:
 - (a) be in writing;
 - (b) be in a form satisfactory to the General Manager;
 - (c) be signed by or on behalf of the person or body organizing, sponsoring or conducting such special event; and
 - (d) set forth the following:
 - (i) the date;
 - (ii) the place and hour of assembly, if applicable;
 - (iii) the hour of starting;
 - (iv) the proposed location and route, if applicable;
 - (v) the proposed return route, if applicable;
 - (vi) the place and hour of disassembly;
 - (vii) the estimated number of participants;
 - (viii) the purpose;
 - (ix) the number and type of vehicles, including floats and displays, if applicable; and
 - (x) other information as the General Manager deems appropriate in the circumstances.
- (2) The applicant shall provide evidence of insurance, satisfactory to the City of Ottawa, and in accordance with the provisions of clause (d) of subsection (1), prior to the issuance of the permit.

APPLICATIONS, PERMITS, APPEALS

4. (1) The General Manager is authorized and instructed on behalf of the City to receive applications, to investigate and consider such applications in accordance with this by-law and Council approved policy and if the investigations disclose any reason to believe that the carrying on of the special event may result in a breach of the law, or may be in any way adverse to the public interest, to refuse approval or to approve with such modifications or conditions as the General Manager deems in the best interests of the City.
- (2) Prior to making a decision on any particular application, the General Manager may consult the Chief of Police, the Fire Chief, the Manager of Transit Services, and such other persons as are deemed to have an interest in the conduct of the special event.
- (3) At least ten (10) days before the intended date of the special event for which an application is filed, the General Manager shall consider the application and notify the applicant of the General Manager's decision.
- (4) A permit issued hereunder shall specify the nature of the special event, the dates and times, including alternate dates and times, if any, the location and route, if applicable, and the conditions of approval.
- (5) Any person may appeal a decision of the General Manager to the Transportation and Transit Committee by filing the request for a review of the decision with the General Manager.
- (6) The General Manager shall submit the request to the Transportation and Transit Committee and give notice in writing to the applicant, and said notice to:
 - (a) include a statement,
 - (i) as to the time, date and place of the review hearing, and
 - (ii) that, if the applicant does not attend the review hearing, the Committee may proceed in his or her absence and he or she will not be entitled to any further notice, and
 - (b) be served personally or by registered mail to the applicant at the address shown on the application.
- (7) The Transportation and Transit Committee shall hold the review hearing at the time, place and date set out in the notice, shall consider the report of the General Manager, and provide the applicant with the opportunity to be heard.
- (8) The decision of the Transportation and Transit Committee shall be final.
- (9) The General Manager may consider applications filed less than twenty-eight (28) days in advance of a special event, in which event the General Manager shall consider the

application, conduct the necessary investigations and make a decision as provided for in subsection (1) as expeditiously as possible in the circumstances.

- (10) The General Manager shall approve applications with the same proposed date on a first come first served basis and shall approve succeeding applications in the order received only if the proposed time and location, and route, if applicable, do not conflict and the required police supervision does not exceed available resources.
- (11) Despite subsection (10), the approval of applications for demonstrations shall take precedence over all others.

GENERAL REGULATIONS

- 5. (1) The General Manager or the Chief of Police may at their discretion cause to be closed one or more highways or parts of highways to pedestrians or vehicular traffic, or both, and cause to be erected such ropes, barricades and other barriers as may be needed to preserve public order and protect persons and property during the time of such special event.
- (2) At any special event, every police officer is authorized and required to take any or all lawful means as may be required to keep or maintain order and prevent obstruction of pedestrian or vehicular traffic.
- (3) No person joining in, walking with, riding in or otherwise participating in any special event shall proceed on any highway, or part of any highway in any manner other than as set forth and directed in the permit granted by the General Manager.
- (4) No person shall in any special event held upon a highway violate any Federal, Provincial or Municipal law.
- (5) No person taking part in any special event shall, during such special event, halt, stop or congregate in such a manner as to obstruct pedestrians not participating in the special event.
- (6) Any person taking part in a special event shall obey the directions of police officers safeguarding the proper movement of other persons and vehicles and generally maintaining order.
- (7) Except as authorized by a special events permit, all persons taking part in a special event shall conduct themselves in such a manner as to avoid causing any obstruction of traffic or confusion or disorder.
- (8) The person to whom a permit is issued under this by-law shall be responsible for the strict observance of all rules and regulations included in this by-law and the permit.

- (9) The person to whom the permit is issued shall ensure that no vehicle, float, trailer or other display shall be used in any special event that is of such height as to interfere with official signs, traffic control signal displays, electric, light, telephone or other wires or cables on such highway.
- (10) No person shall in any special event held upon a highway carry or display any banner, placard, flag, insignia or other similar device of a character or nature calculated or tending to engender disorder or strife or to offend public morality.
- (11) Special events shall, unless otherwise approved by the General Manager, march or travel on the right-hand side of the highway, leaving room for other traffic thereon to pass.

CONDITIONS

- 6. (1) All permits for special events issued by the General Manager shall be subject to the following conditions:
 - (a) the applicant shall be responsible for the erection, maintenance and dismantling of all barricades required by the General Manager or Chief of Police;
 - (b) the applicant shall pick up any and all refuse generated as a result of the special event held upon a highway;
 - (c) the applicant shall pay for such costs as may be imposed by the Chief of Police for policing required during a special event held upon a highway;
 - (d) the applicant shall provide and maintain Comprehensive General Liability or Special Events Liability insurance subject to limits of not less than Two Million (\$2,000,000.00) dollars inclusive per occurrence for bodily injury, death and damage to property and such insurance shall be in the name of the applicant and shall name the City of Ottawa as an additional insured thereunder;
 - (e) the applicant shall enter into an indemnification agreement with the City which agreement shall indemnify and save harmless the City from and against all manner of actions, causes of actions, claims, demands, losses, costs and suits that may arise, be sustained or prosecuted against the City for or by reason of the granting of such permit; and
 - (f) such other conditions as the General Manager deems appropriate in accordance with the Council approved policies.
- (2) Every person to whom a permit is issued shall comply with the conditions prescribed by subsection (1).

ENFORCEMENT AND ADMINISTRATION

- 7. This by-law shall be enforced and administered by the General Manager and the Chief of Police.

OFFENCE

8. Every person who contravenes any of the provisions of this by-law is guilty of an offence.

PENALTIES

9. Every person who is convicted of an offence is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chap. P.33.

10. When a person has been convicted of an offence under this by-law,
(a) the Ontario Court of Justice; or
(b) any court of competent jurisdiction thereafter,
may, in addition to any penalty imposed on the person convicted, issue an Order prohibiting the continuation or repetition of the offence by the person convicted.

BY-LAWS REPEALED

11. The following by-laws are repealed:
(a) Part 2.9 entitled “Parades and Special Events” of Chapter Two of the Regional Regulatory Code of the Old Regional Municipality of Ottawa-Carleton, and
(b) By-law Number 96-3 of the Village of Rockcliffe Park entitled “A by-law of the Corporation of the Village of Rockcliffe Park to regulate parades and processions in the Village of Rockcliffe Park”, as amended.

SHORT TITLE

12. This by-law may be referred to as the “Special Events By-law”.

ENACTED AND PASSED this 11th day of July, 2001.

CITY CLERK

MAYOR

BY-LAW NO. 2001 - 260

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A by-law of the City of Ottawa to regulate
special events on City streets

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Enacted by City Council at its meeting of July
11, 2001.

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LEGAL SERVICES
emd – LBS6015/0110

COUNCIL AUTHORITY:
City Council July 11, 2001,
TTC Report No. 9, Item 5

Approved for Execution: